

JOURNAL OF THE HOUSE

EIGHTY-NINTH SESSION

EIGHTEENTH DAY

STATE OF SOUTH DAKOTA
House of Representatives, Pierre
Tuesday, February 11, 2014

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Father Michael Griffin, followed by the Pledge of Allegiance led by House page Julia Stys.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the seventeenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Brian G. Gosch, Chair

Which motion prevailed.

1 Also MR. SPEAKER:

2 The Committee on Health and Human Services respectfully reports that it has had under
3 consideration HB 1245 which was tabled.

4 Respectfully submitted,
5 Scott Munsterman, Chair

6 Also MR. SPEAKER:

7 The Committee on Agriculture and Natural Resources respectfully reports that it has had
8 under consideration HB 1135 and returns the same with the recommendation that said bill do
9 pass.

10 Also MR. SPEAKER:

11 The Committee on Agriculture and Natural Resources respectfully reports that it has had
12 under consideration HB 1215 and returns the same with the recommendation that said bill do
13 pass and be placed on the consent calendar.

14 Also MR. SPEAKER:

15 The Committee on Agriculture and Natural Resources respectfully reports that it has had
16 under consideration HB 1097 and returns the same with the recommendation that said bill be
17 amended as follows:

18 1097ta

19 On page 2, line 24, of the printed bill, delete "principle" and insert "principal".

20 And that as so amended said bill do pass.

21 Respectfully submitted,
22 Charles B. Hoffman, Chair

23 Also MR. SPEAKER:

24 The Committee on Local Government respectfully reports that it has had under
25 consideration HB 1192 and returns the same with the recommendation that said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on Local Government respectfully reports that it has had under
3 consideration HB 1164 and 1179 which were deferred to the 41st Legislative Day.

4 Respectfully submitted,
5 Tona Rozum, Vice Chair

6 Also MR. SPEAKER:

7 The Committee on Taxation respectfully reports that it has had under consideration
8 HB 1218 and returns the same with the recommendation that said bill do pass.

9 Also MR. SPEAKER:

10 The Committee on Taxation respectfully reports that it has had under consideration SB 80
11 and returns the same with the recommendation that said bill do pass and be placed on the
12 consent calendar.

13 Also MR. SPEAKER:

14 The Committee on Taxation respectfully reports that it has had under consideration
15 HB 1140 and returns the same with the recommendation that said bill be amended as follows:

16 1140fa

17 On page 1, line 4, of the printed bill, delete "township board of supervisors" and insert
18 "voters of each organized township at their annual meeting, by a two-thirds vote of those
19 present,".

20 And that as so amended said bill do pass.

21 Also MR. SPEAKER:

22 The Committee on Taxation respectfully reports that it has had under consideration
23 HB 1213 and returns the same with the recommendation that said bill be amended as follows:

24 1213fb

25 On page 1 of the printed bill, delete lines 5 to 15, inclusive.

26 On page 2, delete lines 1 to 4, inclusive, and insert:

27 " Section 1. That § 1-16G-50 be amended to read as follows:

1 1-16G-50. There is hereby created in the state treasury the local infrastructure improvement
2 grant fund. The Board of Economic Development may award grants to any political subdivision
3 of this state, tribal government, or local development corporation from the fund to construct or
4 reconstruct infrastructure for the purpose of serving an economic development project. The
5 board shall consult state agencies to evaluate the feasibility and merits of the proposed
6 infrastructure improvements. The board shall consider the funding mechanisms available to and
7 utilized by the applicant when making a decision to award a grant. Interest earned on money in
8 the fund shall be deposited into the fund. Any money in the local infrastructure improvement
9 grant fund is continuously appropriated. Any money deposited into and distributed from the
10 fund shall be set forth in an informational budget as described in § 4-7-7.2."

11 On page 2, delete lines 14 to 24, inclusive.

12 On page 3, delete lines 1 to 16, inclusive.

13 On page 3, line 22, delete everything after "The" and insert "secretary of the Department
14 of Tribal Relations;".

15 On page 4, line 5, delete "Governor" and insert "Executive Board of the Legislative
16 Research Council".

17 1213fb

18 On page 1, line 2, of the printed bill, delete everything after "population" and insert "and".

19 On page 1, line 3, delete everything after "force" and insert ".".

20 And that as so amended said bill do pass.

21 Also MR. SPEAKER:

22 The Committee on Taxation respectfully reports that it has had under consideration
23 HB 1221 and returns the same with the recommendation that said bill be amended as follows:

24 1221fa

25 On page 1, after line 8 of the printed bill, insert:

26 " Section 2. That chapter 10-46 be amended by adding thereto a NEW SECTION to read as
27 follows:

28 There are exempted from the provisions of this chapter and from the computation of the tax
29 imposed by it, gross receipts of any person coaching an amateur baseball team that is sponsored
30 by a nonprofit organization that has been recognized as an exempt organization under section
31 501(c)(19) of the Internal Revenue Code."

1 1221fta

2 On page 1, line 1, of the printed bill, after "sales" insert "and use".

3 And that as so amended said bill do pass.

4 Respectfully submitted,
5 Brock L. Greenfield, Chair

6 Also MR. SPEAKER:

7 The Committee on Transportation respectfully reports that it has had under consideration
8 HB 1228 and returns the same with the recommendation that said bill do pass.

9 Also MR. SPEAKER:

10 The Committee on Transportation respectfully reports that it has had under consideration
11 HB 1261 and returns the same, as amended, with the recommendation that said bill be referred
12 to the Committee on Appropriations.

13 1261fa

14 On page 1, line 5, of the printed bill, after "county" insert "and township".

15 On page 1, line 6, delete "county".

16 On page 1, line 8, delete "county".

17 On page 1, line 12, after "grants" insert "to counties".

18 On page 1, line 12, after "county" insert "and township".

19 1261fta

20 On page 1, line 2, of the printed bill, after "county" insert "and township".

21 Also MR. SPEAKER:

22 The Committee on Transportation respectfully reports that it has had under consideration
23 HB 1211 which was deferred to the 41st Legislative Day.

24 Respectfully submitted,
25 Mike Verchio, Chair

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1 Nays:

2 Feickert; Feinstein; Hawks; Hawley; Heinert; Killer; Kirschman; Peterson; Rasmussen; Ring;
3 Rozum; Schrempp; Soli; Tyler; Wismer

4 So the motion having received an affirmative vote of a majority of the members-elect, the
5 Speaker declared the motion carried and HCR 1014 was adopted.

6 **CONSIDERATION OF REPORTS OF COMMITTEES**

7 Rep. Lust moved that the reports of the Standing Committees on

8 Commerce and Energy on HB 1163 as found on page 347 of the House Journal; also

9 Judiciary on HB 1177 as found on page 348 of the House Journal; also

10 Judiciary on HB 1156 as found on page 350 of the House Journal be adopted.

11 Which motion prevailed.

12 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

13 SB 2: FOR AN ACT ENTITLED, An Act to provide for the delayed arrest, under certain
14 circumstances, in regard to certain outstanding warrants for victims of domestic abuse with
15 minor children.

16 Was read the first time and referred to the Committee on Judiciary.

17 SB 3: FOR AN ACT ENTITLED, An Act to provide for continuity in the judicial review
18 of certain lawsuits, complaints, and petitions between parties to a petition for certain protection
19 orders.

20 Was read the first time and referred to the Committee on Judiciary.

21 SB 4: FOR AN ACT ENTITLED, An Act to ensure notice to the respondent and
22 opportunity for the respondent to be heard prior to enforcement of certain foreign domestic
23 protection orders.

24 Was read the first time and referred to the Committee on Judiciary.

1 SB 5: FOR AN ACT ENTITLED, An Act to permit the court reciprocal discretion to hear
2 certain petitions for protection orders due to domestic abuse and for protection orders due to
3 stalking or physical injury.

4 Was read the first time and referred to the Committee on Judiciary.

5 SB 6: FOR AN ACT ENTITLED, An Act to establish the crime of committing certain acts
6 of domestic abuse in the presence of a minor child.

7 Was read the first time and referred to the Committee on Judiciary.

8 SB 7: FOR AN ACT ENTITLED, An Act to modify the persons eligible for protection
9 from domestic abuse and to revise certain terminology.

10 Was read the first time and referred to the Committee on Judiciary.

11 SB 91: FOR AN ACT ENTITLED, An Act to revise certain licensure definitions and
12 provide certain regulatory powers to municipalities.

13 Was read the first time and referred to the Committee on Local Government.

14 SB 98: FOR AN ACT ENTITLED, An Act to allow certain municipalities to charge a
15 higher occupational tax.

16 Was read the first time and referred to the Committee on Taxation.

17 SB 147: FOR AN ACT ENTITLED, An Act to revise the composition of the governing
18 body of a health maintenance organization.

19 Was read the first time and referred to the Committee on Health and Human Services.

20 SB 151: FOR AN ACT ENTITLED, An Act to revise the appointment process for the State
21 Veterans Home superintendent.

22 Was read the first time and referred to the Committee on State Affairs.

1 **SECOND READING OF CONSENT CALENDAR ITEMS**

2 HB 1126: FOR AN ACT ENTITLED, An Act to revise the persons authorized to
3 countersign school board payments.

4 Was read the second time.

5 The question being "Shall HB 1126 pass as amended?"

6 And the roll being called:

7 Yeas 70, Nays 0, Excused 0, Absent 0

8 Yeas:

9 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
10 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
11 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
12 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
13 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
14 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
15 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
16 Wick; Wink; Wismer; Speaker Gosch

17 So the bill having received an affirmative vote of a majority of the members-elect, the
18 Speaker declared the bill passed and the title was agreed to.

19 HB 1125: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete
20 provisions regarding judicial remedies.

21 Was read the second time.

22 The question being "Shall HB 1125 pass as amended?"

23 And the roll being called:

24 Yeas 70, Nays 0, Excused 0, Absent 0

25 Yeas:

26 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
27 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
28 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
29 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
30 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
31 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
32 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
33 Wick; Wink; Wismer; Speaker Gosch

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 Speaker declared the bill passed and the title was agreed to.

3 HB 1107: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete
4 provisions regarding restraint of trade.

5 Was read the second time.

6 The question being "Shall HB 1107 pass?"

7 And the roll being called:

8 Yeas 70, Nays 0, Excused 0, Absent 0

9 Yeas:

10 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
11 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
12 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
13 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
14 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
15 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
16 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
17 Wick; Wink; Wismer; Speaker Gosch

18 So the bill having received an affirmative vote of a majority of the members-elect, the
19 Speaker declared the bill passed and the title was agreed to.

20 HB 1152: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning
21 registration of limited partnerships.

22 Was read the second time.

23 The question being "Shall HB 1152 pass?"

24 And the roll being called:

25 Yeas 70, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
3 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
4 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
5 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
6 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
7 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
8 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
9 Wick; Wink; Wismer; Speaker Gosch

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 Speaker declared the bill passed and the title was agreed to.

12 SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

13 HB 1136: FOR AN ACT ENTITLED, An Act to limit the authority of delegates to a
14 limited Article V convention to vote for unauthorized amendments contrary to legislative
15 instructions and to provide a civil fine for the violation thereof.

16 Was read the second time.

17 The question being "Shall HB 1136 pass?"

18 And the roll being called:

19 Yeas 33, Nays 37, Excused 0, Absent 0

20 Yeas:

21 Anderson; Bolin; Craig; Cronin; Ecklund; Erickson; Gibson; Haggar (Don); Haggar (Jenna);
22 Heinemann (Leslie); Hickey; Hunhoff (Bernie); Killer; Langer; Latterell; Lust; Magstadt;
23 Mickelson; Novstrup (David); Otten (Herman); Parsley; Qualm; Schoenfish; Sly; Stalzer;
24 Steele; Stevens; Verchio; Werner; Westra; Wick; Wink; Speaker Gosch

25 Nays:

26 Bartling; Cammack; Campbell; Carson; Conzet; Dryden; Duvall; Feickert; Feinstein;
27 Greenfield; Hajek; Hawks; Hawley; Heinert; Hoffman; Johns; Kaiser; Kirschman; Kopp; May;
28 Munsterman; Nelson; Olson (Betty); Peterson; Rasmussen; Ring; Romkema; Rounds; Rozum;
29 Russell; Schaefer; Schrempp; Soli; Solum; Tulson; Tyler; Wismer

30 So the bill not having received an affirmative vote of a majority of the members-elect, the
31 Speaker declared the bill lost.

32 Rep. Steele announced his intention to reconsider the vote by which HB 1136 lost.

1 HJR 1004: A JOINT RESOLUTION, Making formal application to Congress to call an
2 Article V convention of the states for the sole purpose of proposing a federal balanced budget
3 amendment.

4 Was read the second time.

5 The question being "Shall HJR 1004 pass as amended?"

6 And the roll being called:

7 Yeas 28, Nays 42, Excused 0, Absent 0

8 Yeas:

9 Anderson; Bolin; Conzet; Cronin; Ecklund; Erickson; Gibson; Haggar (Don); Haggar (Jenna);
10 Heinemann (Leslie); Hickey; Hunhoff (Bernie); Killer; Langer; Latterell; Lust; Mickelson; Otten
11 (Herman); Parsley; Qualm; Sly; Stalzer; Steele; Stevens; Werner; Westra; Wick; Speaker Gosch

12 Nays:

13 Bartling; Cammack; Campbell; Carson; Craig; Dryden; Duvall; Feickert; Feinstein; Greenfield;
14 Hajek; Hawks; Hawley; Heinert; Hoffman; Johns; Kaiser; Kirschman; Kopp; Magstadt; May;
15 Munsterman; Nelson; Novstrup (David); Olson (Betty); Peterson; Rasmussen; Ring; Romkema;
16 Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Soli; Solum; Tulson; Tyler;
17 Verchio; Wink; Wismer

18 So the resolution not having received an affirmative vote of a majority of the members-
19 elect, the Speaker declared the resolution lost.

20 HB 1201: FOR AN ACT ENTITLED, An Act to revise the bank franchise tax
21 apportionment of income provisions.

22 Was read the second time.

23 The question being "Shall HB 1201 pass?"

24 And the roll being called:

25 Yeas 61, Nays 9, Excused 0, Absent 0

26 Yeas:

27 Anderson; Bartling; Bolin; Cammack; Carson; Craig; Cronin; Dryden; Duvall; Ecklund;
28 Erickson; Feickert; Feinstein; Gibson; Haggar (Don); Haggar (Jenna); Hajek; Hawks; Hawley;
29 Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Killer; Kirschman;
30 Kopp; Langer; Lust; Magstadt; May; Mickelson; Munsterman; Novstrup (David); Otten
31 (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer;
32 Schoenfish; Schrempp; Sly; Soli; Solum; Steele; Stevens; Tulson; Tyler; Verchio; Werner;
33 Westra; Wick; Wink; Wismer; Speaker Gosch

1 Nays:

2 Campbell; Conzet; Greenfield; Kaiser; Latterell; Nelson; Olson (Betty); Russell; Stalzer

3 So the bill having received an affirmative vote of a majority of the members-elect, the
4 Speaker declared the bill passed and the title was agreed to.

5 HB 1154: FOR AN ACT ENTITLED, An Act to authorize the commissioner of school and
6 public lands to grant certain surface and subsurface easements to provide access to oil, gas,
7 minerals, and geothermal resources.

8 Was read the second time.

9 The question being "Shall HB 1154 pass?"

10 And the roll being called:

11 Yeas 70, Nays 0, Excused 0, Absent 0

12 Yeas:

13 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
14 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
15 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
16 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
17 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
18 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
19 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;
20 Wick; Wink; Wismer; Speaker Gosch

21 So the bill having received an affirmative vote of a majority of the members-elect, the
22 Speaker declared the bill passed and the title was agreed to.

23 HB 1200: FOR AN ACT ENTITLED, An Act to revise certain bank franchise tax
24 provisions regarding net income and net operating losses.

25 Was read the second time.

26 The question being "Shall HB 1200 pass as amended?"

27 And the roll being called:

28 Yeas 64, Nays 6, Excused 0, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Craig; Cronin; Dryden; Duvall;
3 Ecklund; Erickson; Feickert; Feinstein; Gibson; Haggar (Don); Haggar (Jenna); Hajek; Hawks;
4 Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser;
5 Killer; Kirschman; Kopp; Langer; Lust; Magstadt; May; Mickelson; Munsterman; Novstrup
6 (David); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds;
7 Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson;
8 Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

9 Nays:

10 Conzet; Greenfield; Latterell; Nelson; Olson (Betty); Russell

11 So the bill having received an affirmative vote of a majority of the members-elect, the
12 Speaker declared the bill passed and the title was agreed to.

13 HB 1168: FOR AN ACT ENTITLED, An Act to provide for additional safety measures
14 on amusement rides and to provide a penalty for failure to properly insure an amusement ride
15 or device.

16 Was read the second time.

17 The question being "Shall HB 1168 pass as amended?"

18 And the roll being called:

19 Yeas 64, Nays 6, Excused 0, Absent 0

20 Yeas:

21 Anderson; Bartling; Bolin; Cammack; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
22 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);
23 Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);
24 Johns; Killer; Kirschman; Langer; Latterell; Lust; Magstadt; Mickelson; Munsterman; Novstrup
25 (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;
26 Romkema; Rounds; Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele;
27 Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

28 Nays:

29 Campbell; Kaiser; Kopp; May; Nelson; Russell

30 So the bill having received an affirmative vote of a majority of the members-elect, the
31 Speaker declared the bill passed and the title was agreed to.

1 HB 1212: FOR AN ACT ENTITLED, An Act to provide for fair and open competition in
2 certain governmental contracts, to prohibit the inclusion of certain terms in governmental
3 contracts and documents, and to establish a procedure to grant certain exemptions after notice
4 and a public hearing.

5 Was read the second time.

6 The question being "Shall HB 1212 pass?"

7 And the roll being called:

8 Yeas 52, Nays 17, Excused 1, Absent 0

9 Yeas:

10 Anderson; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;
11 Ecklund; Erickson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Heinemann (Leslie);
12 Hickey; Hoffman; Johns; Kaiser; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson;
13 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Qualm; Rasmussen;
14 Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Sly; Solum; Stalzer; Steele;
15 Stevens; Tulson; Verchio; Westra; Wick; Wink; Speaker Gosch

16 Nays:

17 Bartling; Feickert; Feinstein; Gibson; Hawks; Hawley; Heinert; Hunhoff (Bernie); Killer;
18 Kirschman; Parsley; Peterson; Ring; Schrempp; Soli; Tyler; Wismer

19 Excused:

20 Werner

21 So the bill having received an affirmative vote of a majority of the members-elect, the
22 Speaker declared the bill passed and the title was agreed to.

23 Rep. Lust moved that HB 1122, 1171, 1169, and 1111 be deferred to Wednesday,
24 February 12, the 19th legislative day.

25 Which motion prevailed.

26 SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS

27 Rep. Lust moved that SB 34 and 35 be placed to precede SB 12 on today's calendar.

28 Which motion prevailed.

1 SB 34: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning
2 applications for absentee ballot and to declare an emergency.

3 Was read the second time.

4 The question being "Shall SB 34 pass?"

5 And the roll being called:

6 Yeas 67, Nays 2, Excused 1, Absent 0

7 Yeas:

8 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
9 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
10 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
11 (Bernie); Johns; Killer; Kirschman; Kopp; Langer; Lust; Magstadt; May; Mickelson;
12 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;
13 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;
14 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Westra; Wick;
15 Wink; Wismer; Speaker Gosch

16 Nays:

17 Kaiser; Latterell

18 Excused:

19 Werner

20 So the bill having received an affirmative vote of a two-thirds majority of the members-
21 elect, the Speaker declared the bill passed and the title was agreed to.

22 SB 35: FOR AN ACT ENTITLED, An Act to revise the conditions for which certain
23 elections may be delayed for an emergency situation and to declare an emergency.

24 Was read the second time.

25 The question being "Shall SB 35 pass?"

26 And the roll being called:

27 Yeas 68, Nays 1, Excused 1, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;
3 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar
4 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff
5 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;
6 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;
7 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer; Schoenfish;
8 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Westra; Wick;
9 Wink; Wismer; Speaker Gosch

10 Nays:

11 Russell

12 Excused:

13 Werner

14 So the bill having received an affirmative vote of a two-thirds majority of the members-
15 elect, the Speaker declared the bill passed and the title was agreed to.

16 Rep. Lust moved that SB 12, 64, 55, 27, 31, 32, and 63 be deferred to Wednesday,
17 February 12, the 19th legislative day.

18 Which motion prevailed.

19 There being no objection, the House reverted to Order of Business No. 5.

20 **REPORTS OF STANDING COMMITTEES**

21 MR. SPEAKER:

22 The Committee on Legislative Procedure respectfully reports that HB 1044, 1047, 1049,
23 1057, and 1070 were delivered to his Excellency, the Governor, for his approval at 9:25 a.m.,
24 February 11, 2014.

25 Also MR. SPEAKER:

26 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing
27 and Enrolling has carefully compared HB 1009 and 1010 and finds the same correctly enrolled.

28 Respectfully submitted,
29 Brian G. Gosch, Chair

SIGNING OF BILLS

The Speaker publicly read the title to

HB 1009: FOR AN ACT ENTITLED, An Act to repeal the creation of the commemorative medallion fund.

HB 1010: FOR AN ACT ENTITLED, An Act to repeal the tree nursery reserve fund.

SB 58: FOR AN ACT ENTITLED, An Act to provide for permits to be issued for certain harvest vehicles.

And signed the same in the presence of the House.

COMMEMORATIONS

HC 1028 Introduced by: Representatives Olson (Betty), Cammack, May, Romkema, Schrempp, Sly, and Wink and Senators Maher and Rhoden

A LEGISLATIVE COMMEMORATION, Commending and honoring Ann Anderson, fifth grade science teacher at Belle Fourche Middle School.

WHEREAS, Ms. Ann Anderson has been an educator for more than fourteen years, seven years as a science and social studies teacher at Belle Fourche Middle School in Belle Fourche, South Dakota; and

WHEREAS, Ms. Anderson received the 1999 Class B East Region Girls Cross Country Coach of the Year Award and the 2012 Daniel Swets Robotics Materials Award; and

WHEREAS, Ms. Anderson received a grant for thirty classroom iPads; participated in her district's Building Leadership Team; and presented at the Technology and Innovation in Education Conference; and

WHEREAS, Ms. Anderson participated in the Mickelson ExxonMobile Teachers Academy in New Jersey; was recognized as a NASA Stellar Teacher for two years; and served as a Great Expectations in Math and Science Associate; and

WHEREAS, Ms. Anderson received the prestigious Presidential Award for Excellence in Mathematics and Science Teaching:

NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Ninth Legislature of the State of South Dakota, that Ann Anderson be commended and honored for her outstanding teaching and academic performance throughout her career.

1 HC 1029 Introduced by: Representatives Duvall, Rounds, and Sly and Senator Monroe

2 A LEGISLATIVE COMMEMORATION, Commending and honoring Erin Marsh, second and
3 third grade teacher at the Pierre Indian Learning Center.

4 WHEREAS, Ms. Erin Marsh has dedicated the past seven years to refining a learning
5 experience that inspires disadvantaged children to higher achievement in mathematics; and

6 WHEREAS, Ms. Marsh's students' state standardized test scores increased from fifty-seven
7 percent proficient to seventy-five percent proficient or advanced in mathematics; and

8 WHEREAS, Ms. Marsh received the prestigious Presidential Award for Excellence in
9 Mathematics and Science Teaching:

10 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Ninth Legislature of the
11 State of South Dakota, that Erin Marsh be commended and honored for her outstanding teaching
12 and academic performance throughout her career.

13 Rep. Steele moved that the House do now adjourn, which motion prevailed and at
14 4:20 p.m. the House adjourned.

15 Arlene Kvislen, Chief Clerk